

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

THIRTY-EIGHTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, March 25, 2013

The Senate convened at 10:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Father Mark McCormick, followed by the Pledge of Allegiance led by Senate page Natasha Schamens.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-seventh day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

1 Sen. Olson moved that the Senate do now recess until 10:30 a.m., which motion prevailed
2 and at 10:05 a.m., the Senate recessed.

3 **RECESS**

4 The Senate reconvened at 11:03 a.m., the President presiding.

5 **HONORED GUEST**

6 Kristina Maddocks, Hecla, South Dakota, the 2013 Miss Rodeo South Dakota, was
7 introduced to the body.

8 **COMMUNICATIONS AND PETITIONS**

9 March 12, 2013

10 Mr. President and Members of the Senate:

11 I have the honor to inform you that on March 12, 2013, I approved Senate Bills 1, 44, 60,
12 61, 62, 71, 80, and 237, and the same have been deposited in the office of the Secretary of State.

13 Respectfully submitted,
14 Dennis Daugaard
15 Governor

16 March 14, 2013

17 Mr. President and Members of the Senate:

18 I have the honor to inform you that on March 14, 2013, I approved Senate Bills 3, 4, 10,
19 11, 17, 31, 34, 55, 66, 75, 111, 120, 151, 153, 154, 158, 166, 185, and 194, and the same have
20 been deposited in the office of the Secretary of State.

21 Respectfully submitted,
22 Dennis Daugaard
23 Governor

1 March 20, 2013

2 Mr. President and Members of the Senate:

3 I have the honor to inform you that on March 20, 2013, I approved Senate Bills 28, 39, 51,
4 59, 76, 84, 90, 106, 143, 198, 200, 206, 223, 233, 235, and 236, and the same have been
5 deposited in the office of the Secretary of State.

6 Respectfully submitted,
7 Dennis Dugaard
8 Governor

9 March 21, 2013

10 Mr. President and Members of the Senate:

11 I have the honor to inform you that on March 21, 2013, I approved Senate Bills 5, 15, and
12 195, and the same have been deposited in the office of the Secretary of State.

13 Respectfully submitted,
14 Dennis Dugaard
15 Governor

16 March 22, 2013

17 Mr. President and Members of the Senate:

18 I have the honor to inform you that on March 21, 2013, I approved Senate Bill 186, and the
19 same has been deposited in the office of the Secretary of State.

20 Respectfully submitted,
21 Dennis Dugaard
22 Governor

23 March 20, 2013

24 Lt. Governor Matt Michels
25 President of the Senate
26 500 East Capitol Avenue
27 Pierre, SD 57501

28 Dear Mr. President and Members of the Senate:

I am returning to you Senate Bill 115 with my VETO. Senate Bill 115 is entitled, "An Act to increase the commercial fertilizer inspection fee for purposes of fertilizer-related research and to create the Nutrient Research Education Council to promote such research."

Since 1949, our Department of Agriculture has operated a program to insure the integrity of fertilizer sales and distribution in our state. For over sixty years, fees collected on fertilizer sales have been no more than was necessary to cover program costs. This is the definition of a fee under our laws: an amount collected to offset the administrative costs of a program.

Senate Bill 115 raises the fertilizer fee by fifteen cents - not to offset increased costs of administering the fertilizer program, but to raise money for the Agricultural Experiment Station. This is not a fee increase; this is a tax. I oppose this new tax and ask you to sustain my veto.

While I strongly believe that we should not raise or create any taxes while our economy recovers and stabilizes, the new tax in Senate Bill 115 is particularly objectionable. This tax benefits a government agency - the Agricultural Experiment Station - that is already receiving an ongoing increase of more than 10 percent and an increase of 8 new full-time equivalent state employees.

I strongly support the Agricultural Experiment Station (AES) and know the value of agriculture research. That is why I recommended a \$1,000,000 increase in my FY14 budget proposal. You adopted that recommendation, and added still another \$500,000 in one-time additional funding.

The FY14 budget appropriates \$10,896,938 in general funds, more than fully restoring the FY12 general fund cuts. Beyond these dollars, federal funds and other funds spending has increased almost 16 percent over pre-cut levels. The Agricultural Experiment Station is one of the few programs in state government that has seen its funding restored fully.

I support the Agricultural Experiment Station and am very proud of the fine work they do. I have recommended an ongoing general fund increase greater than 10 percent. Employee compensation is increased on top of that. The legislature has already added still another \$500,000 to those dollars. Beyond these general fund increases, AES federal funds and other funds levels are also much higher today. I hope you will support that funding rather than support the creation of a new tax, and I respectfully request that you sustain my veto.

Respectfully submitted,
Dennis Daugaard
Governor

CONSIDERATION OF EXECUTIVE VETOES AND RECOMMENDATIONS

The Senate proceeded to the reconsideration of SB 115 pursuant to the veto of the Governor and the veto message found on page 757 of the Senate Journal as provided in Article IV, Section 4, of the Constitution of the State of South Dakota.

The question being "Shall SB 115 pass, the veto of the Governor notwithstanding?"

1 And the roll being called:

2 Yeas 22, Nays 13, Excused 0, Absent 0

3 Yeas:

4 Adelstein; Begalka; Bradford; Buhl; Frerichs; Heineman (Phyllis); Hunhoff (Jean); Johnston;
5 Jones; Kirkeby; Krebs; Lucas; Monroe; Olson (Russell); Rhoden; Soholt; Sutton; Tidemann;
6 Tieszen; Vehle; Welke; White

7 Nays:

8 Brown; Ewing; Holien; Jensen; Lederman; Maher; Novstrup (Al); Omdahl; Otten (Ernie);
9 Peters; Rampelberg; Rave; Van Gerpen

10 So the bill not having received an affirmative vote of a two-thirds majority of the members-
11 elect, the President declared the bill lost, sustaining the Governor's veto.

12 There being no objection, the Senate reverted to Order of Business No. 5.

13 **REPORT OF STANDING COMMITTEE**

14 MR. PRESIDENT:

15 The Committee on Legislative Procedure respectfully reports that the Senate has, pursuant
16 to the Governor's veto of SB 115, sustained that veto and delivered the same to his Excellency,
17 the Secretary of State, for filing at 12:15 p.m., March 25, 2013.

18 Respectfully submitted,
19 Corey Brown, Chair

20 **CONSIDERATION OF REPORTS OF JOINT-SELECT COMMITTEES**

21 MR. PRESIDENT:

22 Your Joint-Select Committee appointed to wait upon his Excellency, the Governor, to
23 inform him that the Legislature has completed its labors and is ready to adjourn sine die and to
24 ascertain if he has any further communications to make to the Legislature, respectfully reports
25 that it has performed the duty assigned to it and has been informed by his Excellency, the
26 Governor, that he will not appear for the closing of the Eighty-eighth Legislative Session.

27 Respectfully submitted,
28 Brian Gosch
29 David Lust
30 Bernie Hunhoff
31 House Committee

Respectfully submitted,
Russell Olson
Tim Rave
Jason Frerichs
Senate Committee

1 Sen. Olson moved that the report of the Joint-Select Committee relative to informing his
2 Excellency, the Governor, that the Legislature has completed its labors and is ready to adjourn
3 sine die as found on page 759 of the Senate Journal be adopted.

4 Which motion prevailed.

5 Also MR. PRESIDENT:

6 Your Joint-Select Committee appointed to consider the matter of adjournment sine die of
7 the Eighty-eighth Legislative Session respectfully reports that the Senate and House of
8 Representatives adjourn sine die at the hour of 12:44 p.m., March 25, 2013.

9 Respectfully submitted,
10 Brian Gosch
11 David Lust
12 Bernie Hunhoff
13 House Committee

Respectfully submitted,
Dan Lederman
Deb Peters
Billie Sutton
Senate Committee

14 Sen. Olson moved that the report of the Joint-Select Committee relative to fixing the time
15 of adjournment sine die of the Eighty-eighth Legislative Session as found on page 760 of the
16 Senate Journal be adopted.

17 Which motion prevailed.

18 There being no objection, the Senate reverted to Order of Business No. 7.

19 MESSAGES FROM THE HOUSE

20 MR. PRESIDENT:

21 I have the honor to inform your honorable body that the House has adopted the report of
22 the Joint-Select Committee for the purpose of fixing the time of adjournment sine die for the
23 Eighty-eighth Legislative Session.

24 Also MR. PRESIDENT:

25 I have the honor to inform your honorable body that the House has adopted the report of
26 the Joint-Select Committee for the purpose of informing his Excellency, the Governor, that the
27 Legislature has completed its labors, is ready to adjourn sine die, and to ascertain if he has any
28 further communications to make to the Legislature.

29 Respectfully,
30 Arlene Kvislen, Chief Clerk

1 The following prayer was offered by Father Mark McCormick:

2 Think back to January 8, 2013, as you began the 88th Legislative Session.

3 A number of you are veterans and have been serving in the South Dakota Legislature as
4 Senators for some time. And some of you were brand-new to this type of leader servant.

5 What were the trials and the struggle of this session?

6 What divided you? What brought you together?

7 What were the moments of joy and laughter?

8 Do you have any regrets? What were you proud of in this session?

9 This is my prayer for all of you Senators. Thank you for your time, energy, and sacrifices.

10 Thank you for your passion and convictions in which you served this 88th session of the South
11 Dakota Legislature.

12 **Irish Blessing**

13

14 May the road rise to meet you.

15 May the wind be at your back.

16 May the sun shine warm upon your face.

17 May the rain fall softly on your fields,

18 until we meet again, may you keep safe in the gentle loving arms of God.

19 Sen. Olson moved that the Senate do now adjourn sine die, which motion prevailed and
20 at 12:44 p.m. the Senate adjourned.

21

Jeannette Schipper, Secretary